

Appln. No. 10/621,149
Amendment dated October 18, 2007

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1, 2, 4, 5, 8, 9, 11 through 14, 16, 17, 19, 30, and 31 remain in this application. Claims 3, 6, 7, 10, 15, 18, and 20 through 29 have been cancelled. No claims have been withdrawn. Claims 32 through 37 have been added.

Paragraph 3 of the Office Action

Claims 1, 4 - 5, 9, 11 - 13 and 30 have been rejected under 35 U.S.C. 102(b) as being anticipated by Paterson et al. (U.S. Patent 6,412,042) ("Paterson"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 requires, in part, "wherein a first one of the two locations is within a reserve area of the storage device and a second one of the two locations is outside of the reserve area of the storage device". Claim 30 includes similar language.

It is submitted that the Paterson patent would not lead one of ordinary skill in the art to the requirement that "a first one of the two locations is within a reserve area of the storage device and a second one of the two locations is outside of the reserve area of the storage device". The Paterson patent does not make any distinction between areas of the storage device and therefore would not lead one of ordinary skill in the art to the claimed invention. Even if one believes that one disk sector of the Paterson system acts as a substitute or fall back for a read error of another disk sector, this does not lead one of ordinary skill in the art to the requirement of claims 1

Appln. No. 10/621,149
Amendment dated October 18, 2007

and 30 that one location is in a reserve area and one location is outside of the reserve area. It should be noted that Paterson discusses selection of which of the two disk sectors to read based either upon which sector is more quickly accessible, or which sector has the most recent information (which tells one of ordinary skill in the art that the data written to the sectors is not identical).

Further, new claim 33 requires that "the reserve area is not accessible using the operating system", which is clearly not taught by the Paterson system, which may access either disk sector depending upon speed of access. Also, new claim 34 requires that "the reserve area is not within the comprehension of the operating system", which is also foreign to Paterson.

New claim 35 requires that "the reserve area of the storage device is determined prior to the writing of the information to both of the two locations", which is also not applicable to Paterson. Further, claim 36 requires that "access to the first one of the two locations in the reserve area is not dependent upon accessibility of the second one of the two locations outside of the reserve area of the storage device". As noted in the rejection of the Office Action, the Paterson system does not access the further disk sector if the nearer, more accessible disk sector is readable.

Finally, claim 37 requires "providing a reserve area on the storage device that is not accessible by the operating system", which is also foreign to Paterson.

AppIn. No. 10/621,149
Amendment dated October 18, 2007

RECEIVED
CENTRAL FAX CENTER


OCT 18 2007

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By  Date: Oct. 18, 2007
Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. 24,333
610 Gateway Dr.
MD Y-04
North Sioux City, SD 57049
Voice: 605.232.2000 ext.26809 (Lori Boulware, Patent Assistant)
Fax 605.232.2612